

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JOHN GERACI,

Defendant.

PRELIMINARY

JAN 23 2020

ORDER OF FORFEITURE/  
MONEY JUDGMENT

18 Cr. 715 (AJN)

WHEREAS, on or about October 3, 2018, JOHN GERACI, (the "Defendant"), was charged in a four-count Indictment, 18 Cr. 715 (AJN) (the "Indictment") with investment adviser fraud, in violation of Title 15, United States Code, Sections 80b-6 and 80b-17 and Title 18, United States Code, Section 2 (Count One); securities fraud in violation of Title 15, United States Code, Sections 78j(b) and 78ff and 17 Code of Federal Regulations, Sections 240.10b-5 and Title 18, United States Code, Section 2 (Count Two); wire fraud in violation of Title 18, United States Code, Sections 1343 and 2 (Count Three); and conspiracy to commit securities fraud and wire fraud in violation of Title 18, United States Code, Section 371 (Count Four).

WHEREAS, the Indictment included a forfeiture allegation as to Count Four, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the charged offense in Count Four, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the charged offense in Count Four of the Indictment that the defendant personally obtained;

WHEREAS, on or about October 3, 2019, the Defendant pled guilty to Count Four of the Indictment, pursuant to a plea agreement with the Government wherein the Defendant admitted the forfeiture allegation with respect to Count Four of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), a sum of money equal to \$1,098,971.38 in United States currency, representing proceeds traceable to the commission of the offense charged in Count Four of the Indictment that the Defendant personally obtained;

WHEREAS, the Government asserts that \$1,098,971.38 in United States currency, represents proceeds traceable to the commission of the offense charged in Count Four of the Indictment that the Defendant personally obtained;

WHEREAS, the Government seeks a money judgment in the amount of \$1,098,971.38 in United States currency pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), representing the proceeds traceable to the commission of the offense charged in Count Four of the Indictment that the Defendant personally obtained; and

WHEREAS, the Court finds that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count Four of the Indictment cannot be located upon the exercise of due diligence.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offense charged in Count Four of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$1,098,971.38 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the

commission of the offense charged in Count Four of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, JOHN GERACI, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable to the "United States Marshals Service" and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One Saint Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Asset Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. This Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief, Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One Saint Andrew's Plaza, New York, New York 10007.

SO ORDERED:

  
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HONORABLE ALISON J. NATHAN  
UNITED STATES DISTRICT JUDGE

1/22/20  
DATE